

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARILYN RAE BASKIN and ESTHER)
FULLER; BONNIE EVERLY and LINDA)
JUDKINS; DAWN LYNN CARVER and)
PAMELA RUTH ELEASE EANES; HENRY)
GREENE and GLENN FUNKHOUSER,)
individually and as parents and next friends of)
C.A.G.; and NIKOLE QUASNEY and AMY)
SANDLER, individually and as parents and)
next friends of A.Q.-S. and M.Q.-S.,)

Plaintiffs,

v.

PENNY BOGAN, in her official capacity as)
BOONE COUNTY CLERK; KAREN M.)
MARTIN, in her official capacity as)
PORTER COUNTY CLERK; MICHAEL A.)
BROWN, in his official capacity as LAKE)
COUNTY CLERK; PEGGY BEAVER, in her)
official capacity as HAMILTON COUNTY)
CLERK; WILLIAM C. VANNESS II, M.D.,)
in his official capacity as the)
COMMISSIONER, INDIANA STATE)
DEPARTMENT OF HEALTH; and GREG)
ZOELLER, in his official capacity as)
INDIANA ATTORNEY GENERAL,)

Defendants.

Civil Action No.:
1:14-cv-00355-RLY-TAB

**UNOPPOSED MOTION TO EXTEND TIME TO FILE FOR
ATTORNEYS' FEES AND COSTS**

Plaintiffs, through their undersigned counsel, state as follows:

1. On June 25, 2014, this Court entered final judgment in favor of Plaintiffs.
2. On June 25, 2014, Defendants filed their Notice of Appeal with the Seventh Circuit

Court of Appeals.

3. Plaintiffs are entitled to an award of their costs and reasonable attorneys' fees as the prevailing parties in this case.

4. Rule 54(d)(2) of the Federal Rules of Civil Procedure provides that, absent an order from this Court, Plaintiffs must file their petition for attorneys' fees and costs no later than 14 days after the entry of judgment.

5. Therefore, absent an order from this Court, Plaintiffs will have to file for their fees and costs during the pendency of Defendants' appeal.

6. It will promote judicial economy to extend the time for Plaintiffs to file for costs and fees until after all appellate remedies are completed.

7. Plaintiffs therefore request that the time to file for fees and costs be extended until 95 days after the Seventh Circuit issues its mandate in this case or the case is otherwise resolved in the Seventh Circuit, or 35 days after any proceedings in the United States Supreme Court are resolved, whichever is later.

8. Undersigned counsel has consulted with Thomas Fisher, counsel for the State Defendants who is assuming primary responsibility for this case for Defendants, who advised that there is no objection to this motion.

WHEREFORE, Plaintiffs request that the time for filing for reasonable attorneys' fees be extended, as noted above, and for all other proper relief.

Dated: July 9, 2014

Respectfully submitted,

Camilla B. Taylor
LAMBDA LEGAL DEFENSE &
EDUCATION FUND, INC.
105 West Adams, Suite 2600
Chicago, Illinois 60603
(312) 663 4413
ctaylor@lambdalegal.org

Jordan M. Heinz
Brent P. Ray
Dmitriy G. Tishyevich
Melanie MacKay
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, Illinois 60654
(312) 862 2000
jordan.heinz@kirkland.com
brent.ray@kirkland.com
dmitriy.tishyevich@kirkland.com
melanie.mackay@kirkland.com

/s/ Barbara J. Baird

Barbara J. Baird
LAW OFFICE OF BARBARA J. BAIRD
445 North Pennsylvania Street, Suite 401
Indianapolis, Indiana 46204-0000
(317) 637-2345
bjbaird@bjbairdlaw.com

Paul D. Castillo
LAMBDA LEGAL DEFENSE &
EDUCATION FUND, INC.
3500 Oak Lawn Ave., Suite 500
Dallas, Texas 75219
(214) 219-8585, ext. 242
pcastillo@lambdalegal.org

CERTIFICATE OF SERVICE

I, Jordan M. Heinz, an attorney, certify that on July 9, 2014, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following counsel:

Robert V. Clutter
KIRTLEY, TAYLOR, SIMS, CHADD & MINNETTE, P.C.
117 W. Main Street
Lebanon, IN 46052
765-483-8549
Fax: 765-483-9521
Email: bclutter@kirtleytaylorlaw.com
Counsel for Defendant Penny Bogan, in her official capacity as Boone County Clerk

Elizabeth A. Knight
PORTER COUNTY ADMINISTRATIVE CENTER
155 Indiana Avenue
Suite 205
Valparaiso, IN 46383
(219) 465-3329
Fax: (219) 465-3362
Email: eknight@porterco.org
Counsel for Defendant Karen M. Martin, in her official capacity as Porter County Clerk

Nancy Moore Tiller
NANCY MOORE TILLER & ASSOCIATES
11035 Broadway
Suite A
Crown Point, IN 46307
219-662-2300
Fax: 219-662-8739
Email: nmt@tillerlegal.com
Counsel for Defendant Michael A. Brown, in his official capacity as Lake County Clerk

Darren J. Murphy
Assistant Hamilton County Attorney
694 Logan St.
Noblesville, IN 46060
317-774-4212
Fax: 317-776-2369
Email: dmurphy@ori.net
Counsel for Defendant Peggy Beaver, in her official capacity as Hamilton County Clerk

Thomas M. Fisher
OFFICE OF THE ATTORNEY GENERAL
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
(317) 232-6255
Fax: (317) 232-7979
Email: tom.fisher[atg.in.gov]

*Counsel for Defendants Greg Zoeller, in his official capacity as Indiana Attorney General, and
William C. Vanness II, M.D., in his official capacity as the Commissioner, Indiana State
Department of Health*

/s/ Jordan M. Heinz